



General Assembly

Substitute Bill No. 5695

February Session, 2000

An Act Expanding The Definition Of "Personal Injury" In The Workers' Compensation Act.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Subdivision (16) of section 31-275 of the general statutes is repealed
2 and the following is substituted in lieu thereof:

3 (16) (A) "Personal injury" or "injury" includes, in addition to
4 accidental injury which may be definitely located as to the time when
5 and the place where the accident occurred, an injury to an employee
6 [which] that is causally connected with [his] the employee's
7 employment and is the direct result of repetitive trauma or repetitive
8 acts incident to such employment, and occupational disease.

9 (B) "Personal injury" or "injury" shall not be construed to include:

10 (i) An injury to an employee [which] that results from [his] the
11 employee's voluntary participation in any activity the major purpose
12 of which is social or recreational, including, but not limited to, athletic
13 events, parties and picnics, whether or not the employer pays some or
14 all of the cost of such activity;

15 (ii) A mental or emotional impairment, unless such impairment
16 arises from a physical injury or occupational disease [;] or, in the case
17 of a police officer, unless such impairment arises from such police
18 officer's use of deadly force or subjection to deadly force in the line of

19 duty, regardless of whether such police officer is physically injured. As
20 used in this clause, "police officer" means a member of the Division of
21 State Police within the Department of Public Safety or an organized
22 local police department, a chief inspector or inspector in the Division
23 of Criminal Justice, a special deputy sheriff, a conservation officer or
24 special conservation officer, as defined in section 26-5, an appointed
25 constable who performs criminal law enforcement duties, a special
26 policeman appointed under section 29-18, 29-18a or 29-19, an adult
27 probation officer appointed under section 54-104, an official of the
28 Department of Correction authorized by the Commissioner of
29 Correction to make arrests in a correctional institution or facility, a
30 member of the Office of State Capitol Police, and a member of a special
31 police force established under section 10a-55 or a person providing
32 security services for a public institution of higher education; and "in
33 the line of duty" means any action that a police officer is obligated or
34 authorized by law, rule, regulation or written condition of
35 employment service to perform, or for which the police officer is
36 compensated by the public entity such officer serves; or

37 (iii) A mental or emotional impairment [which] that results from a
38 personnel action, including, but not limited to, a transfer, promotion,
39 demotion or termination; or

40 (iv) Notwithstanding the provisions of clause (i) of this
41 subparagraph, "personal injury" or "injury" includes injuries to
42 employees of local or regional boards of education resulting from
43 participation in a school-sponsored activity but does not include any
44 injury incurred while going to or from such activity. As used in this
45 clause, "school-sponsored activity" means any activity sponsored,
46 recognized or authorized by a board of education and includes
47 activities conducted on or off school property and "participation"
48 means acting as a chaperone, advisor, supervisor or instructor at the
49 request of an administrator with supervisory authority over the
50 employee.

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| INS | Committee Vote: | Yea | 18 | Nay | 0 | JFS-LCO |
| LAB | Committee Vote: | Yea | 10 | Nay | 2 | JF |
| PS | Committee Vote: | Yea | 21 | Nay | 1 | JF |
| PD | Committee Vote: | Yea | 11 | Nay | 6 | JF |
| LM | Committee Vote: | Yea | 22 | Nay | 5 | JF |
| ENV | Committee Vote: | Yea | 16 | Nay | 4 | JF |
| APP | Committee Vote: | Yea | 38 | Nay | 10 | JF |